

**MEDICAL EXAMINING BOARD
MINUTES
JANUARY 18, 2012**

PRESENT: Carolyn Bronston; LaMarr Franklin; Jude Genereaux; Sujatha Kailas, MD (excused at 12:32 p.m.); Raymond Mager, DO; Christopher Magiera MD; Suresh Misra, MD; Gene Musser, MD; Sandra Osborn, MD; Kenneth Simons, MD; Sheldon Wasserman, MD

EXCUSED: James Conterato, MD

STAFF: Tom Ryan, Executive Director; Sandy Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff

GUESTS: Mark Grapentine, Wisconsin Medical Society; Eric Jensen, WAPA; Anne Hletko, Council on Physician Assistants; Nancy Sugden, UWSMPH; Tom Walsh, DWD; Jeremy Levin, RWHC; Kristen Wilhelm, Donna Harmon, Debbie Harmon, Della Haugen, Scott Becher, Stephanie Beaver

CALL TO ORDER

Dr. Sheldon Wasserman, Chair, called the meeting to order at 8:00 a.m. A quorum of eleven (11) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Under PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS, add:
 - c. Thomas A. Gennarelli, MD – 09 MED 114
 - Attorney Pamela Stach
 - Case Advisor – Sandra Osborn
 - d. Jon M. Burch, MD – 10 MED 303
 - Attorney Pamela Stach
 - Case Advisor – LaMarr Franklin
 - e. John G. Hoffmann, MD – 11 MED 343
 - Attorney Jeanette Lytle
 - Case Advisor – Suresh Misra
- Item 7a – PHYSICIAN WORKFORCE SURVEY, insert additional materials after page 16
- Item 7h – WIS ADMIN CODE CHAPTER MED 8 UPDATE, insert additional materials after page 104
- Item 7i – WIS ADMIN CODE CHAPTER MED 10 UPDATE, insert additional materials after page 104
- Item 7k – MEDICAL BOARD NEWSLETTER, insert additional materials after page 106

- Item 9b – BUDGET LAPSE PLAN, insert after page 148
- Item 13a – under OTHER BUSINESS, insert article from ABC News Abortion Without Doctor On-Site Gets High Grades in Iowa
- Item CS-1 – DELIBERATION OF STIPULATIONS, FINAL DECISIONS AND ORDERS, add:
 - c. Thomas A. Gennarelli, MD – 09 MED 114 – Attorney Pamela Stach (after page 162)
 - d. Jon M. Burch, MD – 10 MED 303 – Attorney Pamela Stach (after page 162)
 - e. John G. Hoffmann, MD – 11 MED 343 – Attorney Pamela Stach (after page 162)
- Item CS-6 – MONITORING, insert after page 230:
 - b. Monitoring Presentation on Proposed CE Course
- Under DELIBERATION OF ITEMS RECEIVED AFTER PREPARATION OF AGENDA, add under COMPLAINTS:
 - a. 09 MED 258 and 10 MED 363
 - b. 11 MED 201
- Case Status Report – insert at the end of the agenda in closed session

MOTION: Sujatha Kailas moved, seconded by Kenneth Simons, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF DECEMBER 14, 2011

MOTION: Sandra Osborn moved, seconded by Jude Genereaux, to approve the minutes of December 14, 2011 as written. Motion carried unanimously.

DISCUSSION REGARDING LATE ADDITIONS TO THE AGENDA

The Board members were concerned with the volume of late additions to the agenda. Board members need adequate time to review all agenda items. The Board determined that any late additions to the MEB agenda must be received by the Division of Board Services (DBS) staff no later than noon on the Friday prior to the MEB meeting. This will enable DBS staff to email all late items to Board members that same day, allowing adequate review time. Any agenda items received after that time must be of an urgent nature and must be approved by the Board Chair for inclusion on the agenda. Items not approved by the Board Chair will be postponed to the next month.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

DOE Attorneys presented Proposed Stipulations, Final Decisions and Orders in the following disciplinary proceedings:

Blair L. Lewis, MD	09 MED 392
Roger Pinc, MD	10 MED 307
Thomas A. Gennarelli, MD	09 MED 114

10 MED 303

11 MED 343

- The following Petitions for Extension of Time were also presented:

09 MED 392

10 MED 307

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Monitoring Program and to authorize the Chair to appoint a representative to testify at the Public Hearing. Motion carried unanimously.

Gene Musser will represent the Board at the Public Hearing.

Maintenance of Licensure Pilot Projects

Tom Ryan reviewed the Maintenance of Licensure Pilot projects with the Board. Sheldon Wasserman asked the Maintenance of Licensure Workgroup to review this information and to bring recommendations back to the Board.

FSMB Matters

- **FSMB Annual Meeting, April 26-28, 2012, Fort Worth, Texas**
MOTION: Raymond Mager moved, seconded by Jude Genereaux, to authorize Sheldon Wasserman to attend as the Board's delegate at the FSMB Annual Meeting to be held April 26-28, 2012, in Fort Worth, Texas. Motion carried unanimously.

This travel must be fully funded by the FSMB. DSPS staff will not attend this meeting due to travel restrictions.

- **Consideration of Sheldon Wasserman for the FSMB Nominating Committee**
MOTION: Carolyn Bronston moved, seconded by Sujatha Kailas, to recommend Sheldon Wasserman for consideration to the FSMB Nominating Committee. Motion carried unanimously.
- **FSMB Request for Letter of Support for Grant Application**
This item was noted.
- **Report from FSMB Special Committee on Ethics and Professionalism**
This item was informational.
- **Report from FSMB Workgroup to Define a Minimal Data Set**
This item was reviewed.

Wis. Admin. Code Chapter MED 8 regarding Physician Assistants

The Board reviewed the final draft of MED 8 relating to the physician assistant to physician supervision ratio. Shawn Leatherwood reviewed the rules process with Board and the public hearing will be held at the February 15, 2012 Board meeting.

Gene Musser and Sheldon Wasserman thanked all involved for their effort on this rule.

Wis Admin. Code Chapter MED 10

Sandy Nowack provided a side-by-side comparison of the MED 10 working draft, current MED 10 and the FSMB Model Code, and the existing working draft of MED 10.

Sheldon Wasserman referred this document to the MED 10 workgroup for review and asked the workgroup to report back at the February meeting with recommendations and for further discussion. All board members and other interested parties are encouraged to email comments and suggestions to Legal Counsel Sandy Nowack. The workgroup members are Sandy Nowack, LaMarr Franklin, Kenneth Simons, Gene Musser, Christopher Magiera and Sheldon Wasserman.

Board Appointments

Application Review Liaisons: Sujatha Kailas, Raymond Mager, Kenneth Simons (alternate), Sheldon Wasserman

ARRA Grant Liaisons: Sujatha Kailas (alternate), Raymond Mager

Division of Enforcement Liaisons: Carolyn Bronston, Sandra Osborn

Evaluation Work Group (Ch. 10 revisions): LaMarr Franklin, Christopher Magiera, Gene Musser, Sandy Nowack, Kenneth Simons, Sheldon Wasserman

Legislative Liaisons: Christopher Magiera, Suresh Misra, Gene Musser, Kenneth Simons, Sheldon Wasserman

Maintenance of Licensure Work Group: Sujatha Kailas, Raymond Mager, Kenneth Simons, Gene Musser (advisor)

Monitoring Liaisons: James Conterato, Sandra Osborn (alternate)

Outreach Committee: Jude Genereaux, Sujatha Kailas, Gene Musser, Sandra Osborn

Professional Assistance Program Liaison: Raymond Mager, Sandra Osborn (alternate)

Medical Board Newsletter Liaison: Jude Genereaux

Medical Board Newsletter

The Board reviewed the articles submitted for the Medical Examining Board Newsletter. The projected publication date for the Newsletter is March 2012.

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to approve the Newsletter content and to designate Jude Genereaux and Sheldon Wasserman to do a final review as to content. Motion carried unanimously.

For future Newsletters, articles should be submitted no later than noon on the Friday preceding the Board meeting.

Upcoming Outreach Opportunities

Sandy Osborn will give a presentation at the Aurora Physicians Group in Wisconsin Dells on March 1, 2012, and has also been asked to speak as part of the physician impairment lecture to

first year medical students in the Doctors in Society class at the UW Medical School in March 2012.

Sujatha Kailas presented at Grand Rounds at Waukesha Memorial Hospital on January 10, 2012.

Sheldon Wasserman spoke to the psychiatry residency program at the Medical College of Wisconsin on January 11, 2012, Drs. Wasserman and Mager also gave a presentation to the surgery residents at the Medical College of Wisconsin on November 2, 2011. Dr. Wasserman will present at Grand Rounds at Columbia St. Mary's Hospital in Milwaukee on February 14, 2012.

EXECUTIVE DIRECTOR MATTERS

Tom Ryan reviewed the Department policies with the Board. Board members were asked to sign and return the last page in the Board Members Guide Book.

Sujatha Kailas stated her concern that Medical Examining Board designated staff have been assigned duties outside of the Board. Tom Ryan reviewed staffing assignments and the need to balance the work load between Executive Directors and other staff.

LEGISLATIVE REPORT

DOA Lapse Plan

Gene Musser reviewed the DOA lapse plan for fiscal year 2011-12. By statute, the Medical Examining Board is to receive 90% of the application and renewal fees; the remaining 10% is lapsed to the DOA to go to the general fund. The Department of Safety and Professional Services has spending authority over this budget, which includes staff salaries, supplies and expenses.

The budget repair bill required the DOA to request lapse monies from all State agencies. The DSPS lapse plan includes \$1.25 million from the MEB budget, which is approximately 66% of the total spending authority, and was made with no input from the Board. Gene Musser has communicated with the DSPS Administration to inquire on the impact this will have and the loss of support for the Medical Examining Board's functions.

The Joint Finance Committee (JFC) has the opportunity to override these proposed lapse plans. Objections to proposed lapse plans can be submitted to the JFC.

Sheldon Wasserman stated the physician licensing fees are being diverted from what they are intended. The fees are supposed to pay for staff to investigate and to protect the citizens of the State of Wisconsin. The Medical Examining Board, the Wisconsin Medical Society and the Department of Safety and Professional Services all favored an increase in the licensing fees for specific purposes; a designated Executive Director, and to increase staff numbers to decrease case loads and to process cases in a timely and accurate manner.

MOTION: Raymond Mager moved, seconded by Sujatha Kailas, to empower the Board Chair, Sheldon Wasserman, to send a letter to the Joint Finance Committee stating the Medical Examining Board's opposition to the proposed lapse plan. Motion carried. Christopher Magiera opposed.

Mark Grapentine, Wisconsin Medical Society (WMS), spoke and said the WMS is against the proposed lapse plan. Gene Musser stated any individual can contact the members of the JFC to express an opinion if they so desire.

Board Appointments

Governor Walker appointed Suresh Misra, Kenneth Simons, Christopher Magiera, Raymond Mager and James Conterato to the Board. Drs. Misra, Simons and Magiera have been confirmed; however Drs. Mager and Conterato still need Senate confirmation.

Senate Bill 306

This item was informational and no Board action was taken.

SCREENING PANEL REPORT

Carolyn Bronston reported twenty nine (29) cases were screened. Five (5) cases were opened and two (2) ten-day letters were sent.

INFORMATIONAL ITEMS

The informational items were noted.

PUBLIC COMMENTS

Kristen Wilhelm, Dawn Harmon, Stephanie Beaver, Della Haugan and Debbie Harmon all addressed the Board in support of Dr. Hoffmann and asked the Board to be more transparent in its disciplinary actions.

OTHER BUSINESS

There was no other business.

RECESS TO CLOSED SESSION

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: Carolyn

Bronston-yes; LaMarr Franklin-yes; Jude Genereaux-yes; Sujatha Kailas-yes; Raymond Mager-yes; Christopher Magiera-yes; Suresh Misra-yes; Gene Musser-yes; Sandra Osborn-yes; Kenneth Simons-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 10:05 a.m. Mr. Franklin was excused at this time.

RECONVENE IN OPEN SESSION

MOTION: Suresh Misra moved, seconded by Sandra Osborn, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:54 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

MOTION: Gene Musser moved, seconded by Carolyn Bronston, to reaffirm all motions made in closed session. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

BLAIR L LEWIS, MD 09 MED 392

MOTION: Sujatha Kailas moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Blair L. Lewis, MD. Motion carried unanimously.

ROGER PINC, MD 10 MED 307

MOTION: Gene Musser moved, seconded by Kenneth Simons, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Roger Pinc, MD. Motion carried unanimously.

THOMAS A GENNARELLI, MD 09 MED 114

MOTION: Sujatha Kailas moved, seconded by Raymond Mager, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Thomas A. Gennarelli, MD. Motion carried. Kenneth Simons was excused during deliberation and abstained from voting.

**JON M BURCH, MD
10 MED 303**

MOTION: Sandra Osborn moved, seconded by Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Jon M. Burch, MD. Motion carried unanimously.

**JOHN GREGORY HOFFMANN, MD
11 MED 343**

MOTION: Raymond Mager moved, seconded by Kenneth Simons, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Interim Order in the disciplinary proceedings against John Gregory Hoffmann, MD. Motion carried unanimously.

PROPOSED ADMINISTRATIVE WARNINGS

MOTION: Sujatha Kailas moved, seconded by Kenneth Simons, to issue the Administrative Warning in case **09 MED 349 against respondent J.P.H, MD.** Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded by Suresh Misra, to issue the Administrative Warning in case **10 MED 212 and 10 MED 239 against respondent J.J.Y., MD.** Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Christopher Magiera, to issue the Administrative Warning in case **11 MED 240 against respondent R.T.K, MD.** Motion carried unanimously.

PETITIONS FOR EXTENSION OF TIME

**CLIFFORD T BOWE, MD
09 MED 033**

MOTION: Sandra Osborn moved, seconded by Sujatha Kailas, to adopt the Petition for Extension of time in the disciplinary proceedings against Clifford T. Bowe, MD. Motion carried unanimously.

**S DALIP SINGH, MD
10 MED 404**

MOTION: Suresh Misra moved, seconded by Jude Genereaux, to deny the Petition for Extension of Time and to issue an Administrative Warning in the disciplinary proceedings against S. Dalip Singh, MD. Motion carried unanimously.

REQUEST FOR WAIVER OF CME REQUIREMENT

FB, MD

MOTION: Sujatha Kailas moved, seconded by Jude Genereaux, to deny the request for waiver of the CME requirement to F.B., MD, as there is not sufficient justification for the waiver. Motion carried unanimously.

REQUEST FOR EQUIVALENCY OF ACGME APPROVED POST-GRADUATE TRAINING

ALEXANDRA S BULLOUGH, MD

MOTION: Carolyn Bronston moved, seconded by Sandra Osborn, to approve the request from Alexandra S. Bullough, MD, for equivalency of the ACGME approved post-graduate training. Motion carried. Kenneth Simons abstained.

MONITORING

CHANDRA S REDDY, MD

MOTION: Carolyn Bronston moved, seconded by Sandra Osborn, to grant the request from Chandra S. Reddy, MD, for full licensure. Motion carried unanimously.

COMPLAINTS

MOTION: Carolyn Bronston moved, seconded by Kenneth Simons, to find probable cause to issue a complaint in the matter of **11 MED 201**. Motion carried unanimously.

MOTION: Sandra Osborn moved, seconded by Carolyn Bronston, to find probable cause to issue a complaint in the matter of **09 MED 258 and 10 MED 363**. Motion carried unanimously.

CASE CLOSINGS

MOTION: Sandra Osborn moved, seconded by Jude Genereaux, to close cases **11 MED 258** for no violation. Motion carried unanimously.

MOTION: Sandra Osborn moved, seconded by Kenneth Simons, to close case **11 MED 153** for no violation. Motion carried unanimously.

MOTION: Jude Genereaux, moved, seconded Carolyn Bronston, to close case **11 MED 189 against respondent G.A.P.** for no violation. Motion carried unanimously.

MOTION: Kenneth Simons, moved, seconded Suresh Misra, to close case **11 MED 355 against respondent R.S.W.** for no violation. Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Kenneth Simons, to close case **11 MED 279** for prosecutorial discretion. Motion carried unanimously.

MOTION: Carolyn Bronston moved, seconded by Suresh Misra, to close case **09 MED 114 against respondent P.A.W.** for no violation. Motion carried. Kenneth Simons was excused during deliberation and abstained from voting.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

MOTION: Kenneth Simons moved, seconded by Suresh Misra to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:55 p.m.